



DOCKET NO.: 248145US2S/anc

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Yoshihisa IWATA, et al.

SERIAL NO: 10/765,131

GROUP: 2824

EXAMINER: NGUYEN, NAM THANH

FILED: January 28, 2004

FOR: MAGNETIC RANDOM ACCESS MEMORY DEVICE

**APPLICATION OF PREVIOUSLY PAID ISSUE FEE IN  
ACCORDANCE WITH SECTION 1308.01 MPEP**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application was withdrawn from Issue after payment of the Issue Fee in the amount of \$1700.00 (Issue Fee \$1400.00 + Pub. Fee \$300.00).

The application has now been allowed again and since a refund of the previously paid Issue Fee has not been requested, it is now requested that the previously paid Issue Fee be applied to the Issue Fee being paid herewith. Enclosed herewith is a copy of the Withdrawal from Issue.

Respectfully Submitted,

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OBLON SPIVAK McCLELLAN RECEIVED: *1-9-06*  
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ALEXANDRIA, VA 22314 DOCKETING DEPT.

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Initials/Date Docketed: *1-9-06*

Type of Resp(s):

OFFICE OF PETITIONS

In re Application of Due Date(s):  
Yoshihisa Iwata et al :  
Application No. 10/765,131 : DECISION GRANTING PETITION  
Filed: January 28, 2004 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 248145US2S :

This is a decision on the petition, filed January 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 13, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2824 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

*Frances Hicks*  
Frances Hicks  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).